

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

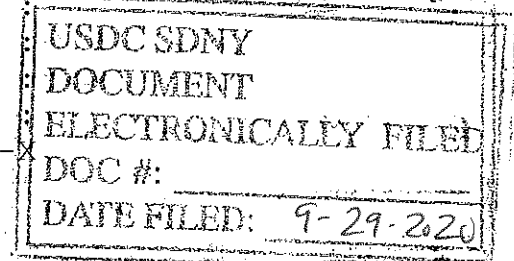
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: 20cr377 (DLC)
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-v-

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: ORDER

TODD MCCLAIN,

Defendant.



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DENISE COTE, District Judge:


The defendant is scheduled to be sentenced on October 23, 2020 at 10 a.m. The defendant is incarcerated. An in-court sentencing proceeding may be available to the defendant. The defendant is advised, however, that for the foreseeable future, the Metropolitan Correctional Center ("MCC") or the Metropolitan Detention Center ("MDC") may require that any inmate appearing in court be quarantined for 14 days upon returning from their appearance. Accordingly, it is hereby

ORDERED that defense counsel shall respond to the following two questions by **October 7, 2020**:

- 1) If both an in-court and videoconference proceeding are available, does the defendant prefer to be sentenced in an in-court proceeding in Courtroom 18B, 500 Pearl Street, or through videoconference technology via CourtCall?
- 2) If an in-court sentencing proceeding is unavailable, does the defendant consent to be sentenced at a videoconference proceeding?

If the defendant consents to be sentenced at a videoconference proceeding, either as a matter of preference or because an in-court proceeding is unavailable, please complete and submit the written consent form attached to this Order if it is feasible to do so.

Dated: New York, New York
September 29, 2020



DENISE COTE
United States District Judge

April 8, 2020 P.M.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

**WAIVER OF RIGHT TO BE PRESENT
AT CRIMINAL PROCEEDING**

Defendant.

-CR- () ()

Sentence

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced. I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf at the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

Print Name

Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date:

Print Name

Signature of Defense Counsel

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: _____.

Date: _____

Signature of Defense Counsel

Accepted: _____

Signature of Judge

Date: